

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1533/1dn
MDK:kjf:jm

May 17, 2013

Rep. Stone:

Please note the following about this version:

1. This version is identical to the previous version except for the following:

a. The restriction on use of a record has been moved from definitions to proposed s. 100.545 (3) (b). In addition, proposed s. 100.545 (3) (b) includes a requirement for a consumer reporting agency to check social security numbers and names in its existing files, which is similar to a requirement in LRB-1532/4.

b. Proposed s. 100.545 (2) (e) 4. refers to "other" background screening, which is similar to the Oregon legislation you provided.

c. Proposed s. 100.545 (5) (c) 1. is revised to allow a representative to submit a copy of a police report or affidavit to a consumer reporting agency. The previous version referred only to submitting a copy of a police report.

d. Proposed s. 100.545 (5) (c) 2. refers to a file, instead of a consumer report.

e. Proposed s. 100.545 (7) is revised to allow both DATCP and DOJ to bring enforcement actions and to create a civil forfeiture of not more than \$1,000 per violation.

2. In the drafter's note to the previous version, I asked for clarification on the meaning of "personal loss history information," which is used in proposed s. 100.545 (2) (e) 3. However, legislation in other states uses the term without providing a definition. Therefore, I assume it must have a commonly understood meaning in the regulated community and that no definition is necessary. According to an on-line glossary of insurance terms that I found (maintained by the Texas Department of Insurance), "loss history" refers to the number of insurance claims previously filed by a policyholder. I assume "personal loss history information" refers to the same thing. If that is not your intent, please let me know so I can revise the bill.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov